

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
)	
Implementation of the Pay Telephone)	CC Docket No. 96-128
Reclassification and Compensation)	
Provisions of the Telecommunications)	
Act of 1996)	
)	
The Michigan Pay Telephone)	
Association's Petition for Declaratory)	
Ruling Regarding the Prices Charged by)	
AT&T Michigan for Network Access)	
Services Made Available to Payphone)	
Providers in Michigan)	
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**REPLY COMMENTS OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL
ON THE MICHIGAN PAY TELEPHONE ASSOCIATION'S
SECOND PETITION FOR DECLARATORY RULING**

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Communications Council*

July 6, 2006

**BEFORE THE
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SECOND PETITION FOR DECLARATORY RULING**

Pursuant to the Commission's Public Notice dated February 8, 2006, the American Public Communications Council ("APCC") hereby files reply comments on the Michigan Pay Telephone Association's ("MPTA's") request for a declaratory ruling.¹

APCC generally concurs in the reply comments filed by the MPTA. APCC's reply comments address a point raised in the June 22, 2006, ex parte letter filed by Qwest Corporation. According to Qwest, MPTA's petition poses the same issue as the

¹ Michigan Pay Telephone Association's Second Petition for a Declaratory Ruling (filed May 22, 2006) ("MPTA Petition").

four state association petitions previously filed in this docket,² and describes that issue as whether the Bell companies' payphone line rates "were unlawful between April 15, 1997 and sometime in 2002 (depending on the individual state) when rates modified to take account of the new Commission guidelines set forth in the *Wisconsin Order* took effect."³

Qwest is wrong. The issues are quite distinct. As explained in APCC's initial comments, the instant MPTA petition requests the Commission to correct a state commission's misinterpretation or misapplication of the substantive NST standard as clarified in the *Wisconsin Order*. This is the first time a state payphone association has made such a request. By contrast, the other state association petitions currently pending in this docket raise the issue whether, *given* that the BOCs' payphone line rates were non-NST-compliant, the states have correctly interpreted and applied the federal requirement that the BOCs refund the charges they assessed in excess of NST-compliant rates. Three of those four petitions have been pending for more than eighteen months.

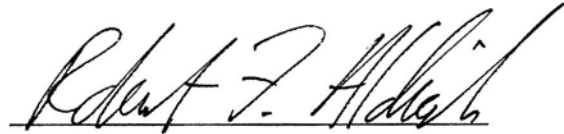
² Illinois Public Telecommunications Association's Petition for Declaratory Ruling (filed July 30, 2004); Southern Public Communication Association Petition for a Declaratory Ruling (filed November 9, 2004); Petition of the Independent Payphone Association of New York, Inc., for an Order of Preemption and Declaratory Ruling (filed December 29, 2004); Petition of the Florida Public Telecommunications Association, Inc., for a Declaratory Ruling and for an Order of Preemption (filed January 31, 2006).

³ Letter to Marlene H. Dortch, FCC Secretary, from Robert B. McKenna, Associate General Counsel, Qwest, at 1. (June 22, 2006) (footnote omitted).

Therefore, the MPTA Petition should be addressed separately and should not delay resolution of the pending petitions on the refund issue.

Dated: July 6, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert F. Aldrich", written over a horizontal line.

Albert H. Kramer

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CERTIFICATE OF SERVICE

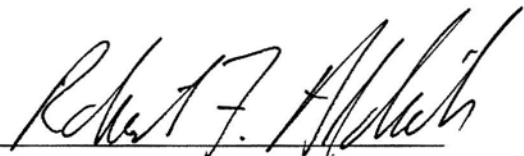
I hereby certify that on July 6, 2006, the foregoing Reply Comments of the American Public Communications Council on MPTA's Second Petition for Declaratory Ruling were delivered via e-mail to the following:

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